

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COLUMBIA, SOUTH CAROLINA

SPECIAL CM #17-24

September 28, 2017

1:05 ~ 1:15 P.M.

COMMISSION MEMBERS PRESENT: Swain E. WHITFIELD, *Chairman*; Comer H. ‘Randy’ RANDALL, *Vice Chairman*; and COMMISSIONERS John E. ‘Butch’ HOWARD^[via telephone], Elliott F. ELAM, Jr., Elizabeth B. ‘Lib’ FLEMING, Nikiya M. ‘Nikki’ HALL, and G. O’Neal HAMILTON

COMMISSION MEMBERS ABSENT: —

ADVISOR TO COMMISSION: Joseph Melchers, Esq.
GENERAL COUNSEL

PRESENTING AGENDA: James Spearman
EXECUTIVE ASSISTANT TO COMMISSIONERS

STAFF PRESENT: Jocelyn G. Boyd, Chief Clerk/Administrator; F. David Butler, Esq., Senior Counsel; B. Randall Dong, Esq., and David W. Stark, III, Esq., Legal Staff; Douglas K. Pratt, William O. Richardson, Thomas Ellison, and John Powers, Technical Advisory Staff; Janice Schmieding, Clerk’s Staff; Calvin Woods, Administrative Staff, and Jo Elizabeth M. Wheat, CVR-CM/M-GNSC, Court Reporter.

TRANSCRIPT / MINUTES
OF
SPECIAL COMMISSION BUSINESS MEETING

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

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I N D E X

	PAGE
<u>UTILITIES AGENDA ITEM #1</u>	3
Questions/Comments by Commissioner Hamilton.....	4
Questions/Comments by Vice Chairman Randall.....	5
Questions/Comments by Commissioner Hamilton.....	6
Questions/Comments by Commissioner Hall.....	7
Questions/Comments by Commissioner Fleming.....	8

P R O C E E D I N G S

CHAIRMAN WHITFIELD: Please be seated. I'll call this Special Meeting to act on the request from ORS; and this morning, at 10:44 a.m., we received a motion to dismiss from the company.

I'll now call on Dr. Spearman to read the docket.

DR. SPEARMAN: Mr. Chairman and Commissioners, our Special Business Meeting today concerns Docket No. 2017-305-E. This is the request of the Office of Regulatory Staff for rate relief to South Carolina Electric & Gas Company rates, pursuant to South Carolina Code Annotated Section 58-27-920.

CHAIRMAN WHITFIELD: Thank you, Dr. Spearman. You've heard Dr. Spearman's reading of the docket. I'll now entertain a motion.

COMMISSIONER ELAM: Mr. Chairman.

CHAIRMAN WHITFIELD: Commissioner Elam.

COMMISSIONER ELAM: Thank you, Mr. Chairman.

After close of business Tuesday, September 26th, the Office of Regulatory Staff filed with the Commission a Petition to suspend collection of all revised rates related to the construction of Units 2 and 3 at the Summer Plant. The ORS Petition for a determination under Code Section 58-27-920 has the potential to have significant and immediate impacts upon all citizens of South Carolina. The Petition has received great interest and support, with filings from entities such as AARP, the League of Women Voters, Small Business Chamber of Commerce, and motions for intervention from the Coastal Conservation League, Sierra Club, and

1 Friends of the Earth.

2 I believe the ramifications of such
3 determinations must be carefully measured and
4 considered prior to ruling. As the Chairman
5 mentioned this morning, we received a motion to
6 dismiss from SCE&G prior to our scheduled
7 consideration of the ORS Petition. To ensure due
8 process, not only in the interest of the proper
9 exercise of the law but also in the best interests
10 of and protections for potentially affected
11 citizens of the State, both in regard to immediate
12 and long-term impacts, we must consider all facts
13 relevant to the requested relief. Judgments of
14 this magnitude require the highest measure of care,
15 but also require expedient action. We're acting
16 today with caution and purpose.

17 I move that we appoint a hearing officer,
18 David Butler, to preside over this matter and to
19 quickly work with the parties to establish a
20 procedural schedule for adjudication of this
21 matter. We instruct the Hearing Officer to
22 schedule the briefing and oral arguments as
23 expeditiously as possible. I would also instruct
24 the Hearing Officer to ask the parties to be
25 prepared to address the preliminary investigation
26 and the evidence to support the request, as set out
27 in Code Section 58-27-920. So moved.

28 **CHAIRMAN WHITFIELD:** Thank you. You've heard
29 Commissioner Elam's motion. Is there any
30 discussion?

31 **COMMISSIONER HAMILTON:** Mr. Chairman.

32 **CHAIRMAN WHITFIELD:** Commissioner Hamilton.

1 **COMMISSIONER HAMILTON:** Thank you, Mr.
2 Chairman.

3 Mr. Elam, you have addressed my concerns
4 regarding the results of the Office of Regulatory
5 Staff's preliminary investigation. Therefore, I
6 support your motion, sir.

7 **CHAIRMAN WHITFIELD:** Thank you, Commissioner
8 Hamilton.

9 Are there any other questions or comments from
10 any other Commissioners?

11 **VICE CHAIRMAN RANDALL:** Mr. Chairman?

12 **CHAIRMAN WHITFIELD:** Commissioner Randall.

13 **VICE CHAIRMAN RANDALL:** I have a question.

14 **CHAIRMAN WHITFIELD:** Yes, sir.

15 **VICE CHAIRMAN RANDALL:** As I was looking at
16 this and looking at the statutes, if we – and
17 seeing ORS's Petition – if we were to approve the
18 ORS Petition, as it stands, it looks to me like the
19 statutory scheme allows for a suspension of the
20 suspension, if that's worded correctly, and so that
21 it looks to me like, even if we provided that, the
22 company – the rates – there would not be any
23 immediate relief right now if we granted that
24 Petition right now. Is that correct? I just want
25 to make sure I'm reading this right.

26 **CHAIRMAN WHITFIELD:** You want to –

27 **VICE CHAIRMAN RANDALL:** And whoever wants to
28 answer. Mr. Melchers can answer it.

29 **CHAIRMAN WHITFIELD:** Commissioner Elam? Or
30 you want to refer that to our chief legal counsel,
31 Mr. Melchers?

32 **MR. MELCHERS:** Mr. Chairman, this was filed

1 under 58-27-920, and associated statute 58-27-930
2 sets out that any utility affected by an order
3 issued under -920 may, within 10 days after service
4 of the order, file a petition with the Commission
5 stating the grounds of their objection, and they
6 may demand a hearing and may request that the
7 petition – in their petition, that the order be
8 suspended that the Commission might have ordered
9 under -920. Therefore, the Commission would not
10 have discretion in regard to granting a hearing or
11 suspending its order, if requested by the utility.
12 So the answer would be, if those requests were
13 made, that is correct; the Commission would not
14 have the discretion to enforce its order at that
15 time.

16 **VICE CHAIRMAN RANDALL:** So, basically, we're
17 going to – this is going to be handled through the
18 process that is laid out –

19 **MR. MELCHERS:** With a hearing.

20 **VICE CHAIRMAN RANDALL:** – with a hearing, as
21 laid out in Commissioner Elam's motion. Is that –

22 **COMMISSIONER HAMILTON:** Mr. Chairman.

23 **CHAIRMAN WHITFIELD:** Yes, sir. Yes, sir.

24 **COMMISSIONER HAMILTON:** Could you give us a
25 little more information about the process and how
26 it works?

27 **CHAIRMAN WHITFIELD:** You want Mr. Melchers to?

28 **COMMISSIONER HAMILTON:** Yes, sir.

29 **CHAIRMAN WHITFIELD:** Yes, sir, Commissioner
30 Hamilton.

31 Mr. Melchers?

32 **MR. MELCHERS:** Thank you, Mr. Chairman.

1 Section 58-27-930 does set out a hearing process in
2 regard to issues addressed under -920, and what I
3 understand the Commission to be voting on today is
4 an instruction to the Hearing Officer, if
5 appointed, to arrange for a briefing and hearing
6 schedule, to address the Petition.

7 **CHAIRMAN WHITFIELD:** And your Hearing Officer
8 is David Butler, Commissioner?

9 **COMMISSIONER ELAM:** That's correct.

10 **CHAIRMAN WHITFIELD:** All right. Commissioner
11 Randall, does that answer your question?

12 **VICE CHAIRMAN RANDALL:** Yes, sir.

13 **CHAIRMAN WHITFIELD:** Commissioner Hamilton?

14 **COMMISSIONER HAMILTON:** Yes, sir.

15 **CHAIRMAN WHITFIELD:** Anybody else have any –
16 any other Commissioners have any other questions?

17 **COMMISSIONER HALL:** Mr. Chairman?

18 **CHAIRMAN WHITFIELD:** Commissioner Hall.

19 **COMMISSIONER HALL:** So my understanding is
20 we'll set a schedule, there'll be briefs and then,
21 also, oral arguments regarding this matter?

22 **CHAIRMAN WHITFIELD:** I think that's the way –

23 **COMMISSIONER HALL:** Or Mr. Melchers?

24 **CHAIRMAN WHITFIELD:** I think that's what he's
25 outlining under -920. Is that –

26 **COMMISSIONER HALL:** Okay.

27 **CHAIRMAN WHITFIELD:** – correct, Mr. Melchers?

28 **MR. MELCHERS:** Yes, that is the motion made.

29 **COMMISSIONER ELAM:** That was the intent of my
30 motion, yes.

31 **COMMISSIONER HALL:** Thank you.

32 **CHAIRMAN WHITFIELD:** All right. Thank you.

Commissioner Fleming.

COMMISSIONER FLEMING: I just wanted to say that, with the motion and asking for the proper procedures with evidence being supplied to the Commission –

VOICE: We can't hear you.

CHAIRMAN WHITFIELD: [Indicating.]

COMMISSIONER FLEMING: What I was saying – with Commissioner Elam's motion asking for evidence to be presented and proper proceedings to carry forth with this, I can support the motion as you read it.

CHAIRMAN WHITFIELD: Thank you.
Commissioners, any other questions regarding this matter?

[No response]

Any other questions, Commissioners, regarding this matter? I know things have happened kind of fast. If there's any other questions – if not, I'm going to call for a vote.

Hearing none, all those in favor of Commissioner Elam's motion, please say "aye."

COMMISSIONERS: Aye.

CHAIRMAN WHITFIELD: Any opposed?

[No response]

Motion carries.

Thank you – and I'm sorry; we have Commissioner Howard on the line, and I believe I heard him vote in the affirmative, as well, so if you will so note that.

Any other – if there is no other business, this meeting is adjourned.

[WHEREUPON, at 1:15 p.m., the proceedings
in the above-entitled matter were
adjourned.]



Date: 9/28/17 .

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